

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 11, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Joan Ross, CLERK. [Note: Jonathan Cook was absent until voting session)

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of Dec. 4, 2000, reported having done so, found same correct.

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Mayor Wesely: Mr. Chairman and Members of the Council it's a pleasure to join you again for the Award of Excellence for November of the year 2000. It's to go to Julie Watson. Is Julie here? Julie why don't you come on up. And, before I start though, any sightings of Jonathan, do we know, do we need to send anybody out after him?

Jerry Shoecraft, Council Member: No, just leave him at home.

Mayor Wesely: I want to thank everyone for braving the bad weather to join us today. Some brave soles have come down here. The Mayor's Award of Excellence for November of this year is to Julie Watson and Julie has been an Office Assistant III with the Department of Parks & Recreation since August of 1991. She was nominated for the Mayor's Award of Excellence by the current Director of Parks and Recreation Lynn Johnson. Lynn notes that he regularly receives positive comments about Julie's professionalism and her positive customer service attitude. Recently, Julie accepted responsibility for planning the Nickelodeon Big Help Program which came through Lincoln. The Big Help Program involves a coordinated effort where volunteers come together to endorse a particular project in support of kids. Julie worked with several community agencies and youth groups to pulverize trees into wood chips and to paint parking posts at Pioneers Park. We still have wood chips left over from that '97 snow storm. so we must have used all those up. Coordination of the event was in Lynn's words seamless and flawless. The event attracted more than 800 participants due to Julie's efforts. Julie regularly promotes the Departments projects and programs. She consistently works to enhance communication between divisions and departments. For all these reasons Julie has been chosen to receive the Mayor's Award of Excellence in the area of customer relations. Please join me in congratulating Julie for energy and hard work. (applause)

Julie Watson, Parks and Recreations Dept.: I would just like to say thank you for considering me for this award. I was very amazed when I got it in the mail, when the notice came in the mail and I feel truly appreciated. Thank you.

Lynn Johnson, Parks and Recreation Dept.: Julie is way too modest. What I'd like to do is say just a couple of words. I had the opportunity and the pleasure to work closely with Julie for a couple of years and Julie is innovative, she's creative, she's diligent. She truly has the interest of Lincoln and it's residents at heart and I think Julie truly is deserving of the Mayor's Award of Excellence.

Ms. Watson: Thank you.

PUBLIC HEARING

APP. OF J.J. KAT, INC. DBA BREWSKY'S FOOD & SPIRITS FOR AN ADDITION TO THEIR LICENSED PREMISES OF AN AREA MEASURING APPROX. 20' BY 30' TO THE NORTHWEST ON PROPERTY LOCATED AT 2840 S. 70TH ST. - David Thompson, Pierson, Fitchett Law Firm, 1045 Lincoln Mall, Ste 200, took oath: I'm here on behalf of J.J. Kat, Inc. doing business as Brewsky's Food and Spirits. We're asking the Council to approve an amendment to their current license

location at 70th and Van Dorn about a 20' by 30' area leased to expand their current location. With that I just ask for that approval or have any questions I'll try to answer. I have today Brian Kitten with me here from Brewsky's.

Mr. Shoecraft: (inaudible) to a card shop that used to be next there?

Brian Kitten, no address given: It's the flower shop, Community Floral that was there. They went out of business and so we took the opportunity to lease their space and expand into it. It really just kind of squares up our floor plan. It kind of had a little jog out of our floor plan that was so, just kind of squares it all up.

This matter was taken under advisement.

MAN. APP. OF NEDRA J. LUCAS FOR NEBRASKA RETAIL VENTURES L.L.C. DBA AMPRIDE #105 AT 3291 HOLDREGE ST.;

APP. OF NEBRASKA RETAIL VENTURES L.L.C. DBA AMPRIDE #107 FOR A RETAIL CLASS B LIQUOR LICENSE AT 5501 SUPERIOR ST.;

MAN. APP. OF NEDRA J. LUCAS FOR NEBRASKA RETAIL VENTURES L.L.C. DBA AMPRIDE #107 AT 5501 SUPERIOR ST. - Nedra J. Lucas, 301 N 29th St., took oath: And, hopefully I can take care of 2, 3, and 4.

This matter was taken under advisement.

MAN. APP. OF NEIL G. STUTHMANN FOR ELKS BPO LINCOLN LODGE #80 AT 5910 S. 58TH ST. - CLERK: And, I've been advised that Mr. Stuthmann did contact the Police Dept. stating he would be unable to get here due to the weather. Officer Fosler did state to me that he had no problems with the applicant. If Council would wish to delay, that would be fine. Otherwise, just to let you know, he would have been here had it not been for the weather.

This matter was taken under advisement.

APP. OF LIGHTHOUSE PROPERTIES L.L.C. DBA BEACON HILLS FOR A CLASS I LIQUOR LICENSE AT 5353 N. 27TH ST.;

MAN. APP. OF CAROLE L. REGAN FOR LIGHTHOUSE PROPERTIES, L.L.C. DBA BEACON HILLS AT 5353 N. 27TH ST. - Daniel Klaus, Attorney, 1201 Lincoln Mall, & Carole Regan 8221 Kile Ridge Rd., took oath:

Mr. Klaus: Just for the Council's information the license is the restaurant associated with the new Country Inn & Suites which is located out on N. 27th Street.

This matter was taken under advisement.

APPROVING A CONSERVATION EASEMENT AGRMT. BETWEEN THE CITY & TCMCO INVESTMENTS TO PRESERVE THE FLOOD STORAGE CAPACITY IN AN AREA GENERALLY LOCATED AT 6TH AND H STS. - Danny Walker, 427 E St.: I really don't understand the item and I'll tell you why. There's no storage facilities at 6th and H Sts. There's an elevator right across the street and I don't know if they want to put some flood water in one of those silos or what, but I think it should be clear what the issue is and where that water's going to be stored. I assume that's what they mean by flood capacities. I have, I have pictures I'll pass around. And, Mr. Chair, it's up to you whether you think this is relevant or not, this is one of the structures in the process of being constructed at 6th and G which is the same owner. We can either discuss it now or I'll wait until the end of the meeting. It's your prerogative, but what I'm concerned about as you'll see in the later pictures upon near completion of the facilities at 6th and G there's 10 down spouts coming off of that building directly into the area where there's residential properties between 5th and 6th on F Street. I just don't think that's very good business. There's flood plain rules and regulations that covered any fill or deposit in the flood plain must be shown by the applicant not to be a detriment to the general public as well as the surrounding landowners. There's a huge amount of fill that went in there. If you look closely at that picture that was passed around they're clear out on the City right-of-way with their hazard fencing. The sidewalk goes to that property line and then stops and there's a make shift sidewalk that has probably been there 35, 40 years about one foot in from the curb on 6th Street and they're right up against it. And, keep in mind that's unloading and loading of school children in that area. Like I say I just don't understand this 6th & H bit because I don't know, I don't know where it's going to go. There's no huge, there's no huge open

space there and etc. and etc. To me it just doesn't make sense. But, I wish you would carefully consider what is going on there on the proximity of 6th and G and that's why my neighborhood is so concerned about what's going on at 1st and G.

Mr. Shoecraft: Well, we're going to be, we've had a request from the Law Dept. to delay Item No. 9 for one week and during that weeks time maybe someone from the Staff can address your question regarding G St., too. Just as well we need to be more educated on Item No. 9 also.

Mr. Walker: In addition what is upsetting, I understand that this is an agreement between the City and the developer, but it seems awfully strange to me that my neighborhood is never notified of anything that takes place in this flood plain and I really don't understand it. I think that's very poor business on the part of City government especially when you consider the huge impact it could have on my neighborhood. Thank you Jerry.

Nicole Fleck-Tooze, Planning Dept.: Just a couple quick clarifications on this item. I guess we would request that you do delay, delay it for greater than one week by placing in on Pending. There's a street and alley vacation that should be before you with this conservation easement that was not scheduled when we thought it would be. So, if you could please place the item on Pending. Just to address a couple of things quickly; the street and alley vacation or street vacation for H St. that will be before you had a couple of conditions on it. The first condition was that there be an administrative plat completed so that all the lots would have frontage. And, the second was that a conservation easement be retained over the vacated right-of-way in order to preserve the flood storage capacity in that area. And, it was the vacation was moved forward with those conditions recommended by Planning Commission and subsequently we moved forward with the conservation agreement that you have before you today. And, in the meantime the street and alley vacation needs to get out the conservation easement that you have before you today was basically a request by the applicant for that portion of the building that they were constructing as an addition that would extend into the vacated right-of-way compensating for that portion where the flood storage would not be preserved by creating another easement elsewhere. So, it's in order to meet the conditions of the street and alley vacation.

This matter was taken under advisement.

APPROVING A RESOLUTION OF INTENTION TO DISESTABLISH THE DOWNTOWN CORE MANAGEMENT AND ENHANCEMENT DISTRICT GENERALLY WITHIN AN AREA IN DOWNTOWN LINCOLN BETWEEN 10TH ST. AND CENTENNIAL MALL, AND BETWEEN Q AND M STS. ;

APPROVING A RESOLUTION OF INTENTION TO DISESTABLISH THE DOWNTOWN PERIMETER MANAGEMENT AND ENHANCEMENT DISTRICT GENERALLY WITHIN AN AREA IN DOWNTOWN LINCOLN BETWEEN LINCOLN BETWEEN 7TH AND 17TH STS., AND BETWEEN R AND H STS. - Joel Pedersen, Asst. City Attorney: These two are resolutions of intention. So, what you do today is pass a resolution that will be mailed to all of the property owners in the old districts which were superceded by the layer cake with the core overlay and the basic downtown management district. So, that's what the two resolutions are. We'll pass the resolution, hopefully, today and then that will be mailed out. Next the notice and the technical procedures laid out in the State law. So, the hearing to actually disestablish the Downtown Core and Perimeter Management and Enhancement District which is the old districts that will be January 8 and that's set forth in the resolution and we'll be mailing that out, hopefully, after you pass it today. So, what you're doing today is, I guess, expressing your intentions publically to do that. These have been superceded and if there's any questions I'd be happy to try to answer those.

This matter was taken under advisement.

AMENDING THE LINCOLN CENTER REDEVELOPMENT PLAN TO ESTABLISH A NEW PROJECT AREA FOR THE ENTERTAINMENT CENTER/OLD FEDERAL BUILDING PROJECT IN A 6 ½ BLOCK AREA ROUGHLY BOUNDED BY 9TH, 11TH, O, AND Q STS. TO PROVIDE FOR THE DEVELOPMENT OF AN ENTERTAINMENT CENTER ON BLOCK 41 AND THE REDEVELOPMENT AND REHABILITATION OF THE OLD FEDERAL BUILDING ON BLOCK 43, INCLUDING PUBLIC STREETScape, UTILITY, AND OTHER IMPROVEMENTS - Dallas McGee, Urban Development: I'd like to provide a little background information on this resolution. This is an amendment to the Lincoln Center Redevelopment Plan. That plan was initially adopted in 1985. Since that time we have amended it 20 time for various projects in Downtown Lincoln and in the Haymarket. This will be the 21st amendment and this will reflect a new project area that we have identified as the Entertainment Center Old Federal Building. A redevelopment project area. It does consist of 6 ½ blocks generally from O to Q, 9th to 12th and includes two very

significant projects for downtown Lincoln. The first one is the development of an entertainment center on Block 41. That's the block bounded by O, P, 11th, and 12th Sts.. It does not include the entire block, but it does include most of the block with the exception of the Sartor Hamman Building at 12th & O and the Continental Gardens Building at 11th & O. It'll have movie screens and retail uses. Developers are in town assembling property right now and are here today to provide additional information or answer any questions you may have on that project. The second project on this redevelopment area is redevelopment of the City's Old Federal Building on what is known as Block 43. That block is bounded by 9th, 10th, O and P Sts.. We've initiated a public selection process for the redevelopment of that building and just last week we received four responses to our request for qualifications from developers for redevelopment of the building. We will be reviewing those responses and then identifying a short list of developers and asking them to submit a detailed redevelopment proposal for us for the redevelopment of that building. After the redevelopment plan is amended we will then begin to prepare a detailed redevelopment agreement between the City and the developers. This is similar to the process we used with the Embassy Suites redevelopment. That, this redevelopment agreement will identify in detail everything the City will do to assist in the redevelopment of the project, everything the developer will do as well as identify time lines and when it will be done and how it will be done. We will be bringing that redevelopment agreement back to you for your action I would estimate in the Spring of next year. There was one piece of information that is attached to this resolution that hasn't been attached to other redevelopment amendments and that is a cost benefit analysis. It's identified as Attachment G on your material. This is a result of recent changes to the State Statutes that require projects to conduct this analysis so we have conducted it. It identifies the quantifiable cost of the project in terms of the tax increment financing that's being generated as well as the benefits which include additional property values and sales tax values generated from the project itself. I'd be happy to answer any questions or I believe Joel Pedersen is here from the Law Dept. and can provide you with more detailed information on that.

Mr. Camp: Dallas there may be some property owners who are interested in this when you start talking about the tax increment financing and all. There may be the concerns of increased taxes and all. We have some existing tax increment financing in place already do we not?

Mr. McGee: Yes we do.

Mr. Camp: Could you explain how this new proposed overlay affects that and what if any increases in taxes it would have on people or just how that all works as we understand the time limits and all?

Mr. McGee: And, Joel may want to expand on this as well, but there will not be any additional increases in taxes as a result of this. What it does is identify an area, in this case 6 ½ blocks that'll be part of the redevelopment project area for this project. Portions of this 6 ½ blocks already are included in other project areas. So, any tiff that's being collected currently on these other blocks will be used to pay off any existing debt from bonds that have been purchased to do public improvements in that area. Once that is paid off then the tiff would then be used for these projects for both the entertainment center and the Old Federal Building. Does that answer your question, Jon?

Mr. Camp: Yes. And then is there any implication, as I recall the State Statutes on increment financing allow roughly a 12 or 13 period, am I correct on that Joel?

Mr. McGee: It's a 15 year period. Yeah.

Mr. Camp: Oh, a 15 year period, pardon me. I guess we often project on 13 or something has been my experience. And, so by doing this overlay we're still fully in compliance then if we extend out that period or how does that work mechanically?

Mr. Pedersen: Well, I can address that Dallas if you'd like. I also have Lauren Wismer and Eric Berquist from Cline Williams here who are our bond counsel. As you know the tax increment financing most often is accompanied by an issue of bonds in reliance on that so that we can apply the increment that being the increased property tax that results from redevelopment to help pay for the redevelopment. And, those findings in the ordinance are important to address that. There are some essential changes that are before you today, but the overlapping district is one essential change and the question that you're raising, Jon, about the year and the time limits in the statute, our review of the applicable statutes and the constitutional authority of the City which does derive from a constitutional change that was adopted in Nebraska, that 15 year period talks about the provision for tax increment financing. It isn't specific

to property so you start primarily with a plan, then you have a project area and then you have a provision for that tax increment. And, it's the provision itself that is limited to the 15 years. So, the fact that other properties may have been included in another project area and had a provision. That provision is alive for 15 years and nothing that we're asking you to do today would change that. And, you know, there isn't a nice device to explain how this works other than the two word phrase that I've used which is an overlapping district. We've been through the issues on a couple of occasions when we've talked to the County Assessor about initially setting up this district and we've talked to the County Attorney's office about. It is an essential change, but I guess the main thing that we're asking today is for you to view that change in light of what's presented before you specifically the findings and the resolution which they basically but for this that the redevelopment could not happen. So, that's why it's essential. It's not essential in name only, it's essential to the project going forward. We attempted to look at all the variables in how to define the project area and came up with the boundaries basically with the idea that that's a sensible project area for Block 41. That being the case then the question is put to you as Council members as the public expenditure of funds for redevelopment that's authorized by the Constitution you make the findings. But for this it would not happen. The way the dollars work out, the way the timing works out are all important to that, but fundamental is the acknowledgment according to the redevelopment plan that there's blight downtown. In particular in Block 41 and 43 we have underutilized and underdeveloped. We anticipate that by virtue of approval as a plan that you can expect property values to go up, not only in the immediate area of the improvement, but also in areas around it. And so that's kind of the gist of the analysis and I don't know, Lauren do you want to comment or do you have anything else to add?

Lauren Wismer, Cline Williams Law Firm, 233 S. 13th St.: I think the only thing I would add to what's already been said is that in looking at this we've taken great care to make sure that. First of all the existing projects are not impaired in any fashion. And, they will continue as they have been originally set up and will continue in that fashion until all of the obligations with respect to those projects are completed. OK? It's at that point that then the tax increment, and we're not talking about the original increment that was set up. If I can and maybe just give you an example, strictly hypothetical; suppose ten years ago we have a property that is valued at \$50,000. We put in a project redevelopment area. Redevelopment takes place and as a result of that the value of the area goes from \$50,000 to \$500,000 and it's the increment on that \$450,000 increase in value times the tax levy that is used to retire the obligations that were, were issued to take care of the public improvements in that particular area. With the new project the increment or the base year increment is not going to go back to be the \$50,000 it's going to be whatever the current value is and it will take, it will capture whatever increase there is from the present time to the time that the redevelopment is completed on the new project. That's what is meant by an overlapping district. We're not, and again that may extend for a period of 15 years and I think maybe that's one of the key things perhaps to understanding it. It's sort of OK we've started a project X number of years ago that will continue for 15 years. Somewhere before the expiration of that 15 year period we are going to begin a new project, but it has a new base year as of the time that the project is completed and then we'll capture whatever increment there is over the following 15 year period and that's what is meant by overlapping districts. Does that help?

Mr. Camp: I think that clarifies it well. You had mentioned that, I think, both you and Joel said there is no intent to impair existing tax increment history.

Mr. Wismer: We cannot, you know constitutionally, there's an impairment of contracts clause in the federal constitution and so we're very cognizant of that and this has all been, no increment tax dollars off of this project would be used for the later project until everything has been paid with respect to the first project. Any other questions? Thank you.

Annette McRoy, Council Member: I have a question for Dallas. Regarding the parking facility for this new entertainment center, there's been some comments lately made and there was an article in the paper about the lack of a parking facility so maybe if you want to just go over the existing parking we have because it does, in the amendment, excuse me, the Attachment A that we lose 90, we lose some surface parking and so that the result of the project service park in Block 41 would be removed but

there's other facilities so I think people have some concerns about bringing in a large project in downtown without building another parking facility so we might want to explain how this works out or if you have the map that we have. I know there's been concerns and I just wanted to get this out in the open.

Mr. McGee: Well, that's a very good point. If you turn to Chapter 4, Page 223 it does list all of the parking facilities that are surrounding this block. One of the things that we think is very positive about this block is that there are so many parking garages surrounding it. We did look at the possibility of providing parking on site and identified the cost and determined that the cost would be prohibitively expensive to provide parking underground. So, what we did was look at the availability of parking surrounding the site. Because this is an entertainment center we expect much of the use, much of the heavy use to be in the evening. The Center Park Garage which has over a 1000 parking stalls is 90% empty in the evenings, so we have 900 available parking stalls on any given evening right adjacent to this facility. So, we think that will meet our parking needs. There are other parking garages around, however, they are closer to being filled in the evening. So, that was, that's how we'll be addressing the parking situation.

This matter was taken under advisement.

ORDINANCES - 3RD READING

CREATING PAVING DIST. 2620 IN N.W. 10TH ST. FROM W. DAWES TO W. BELMONT STS. - CLERK read an ordinance, introduced by Coleen Seng, creating Paving Dist. 2620, defining the limits thereof, establishing the width of the roadway to be paved & the width of the grading to be done, providing for the curbing, guttering, & relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the third time.

SENG Moved to pass ordinance as read.

Seconded by Johnson & **LOST** by the following vote: AYES: Shoecraft; NAYS: Camp, Cook, Fortenberry, Johnson, McRoy, Seng.

The ordinance, having **LOST**, was assigned File #38-4351, & was placed on file in the Office of the CLERK.

VACATING W. NANCE ST. FROM N.W. 10TH ST. WEST TO THE CORNHUSKER HWY./I-80 RIGHT-OF-WAY - CLERK read an ordinance, introduced by Coleen Seng, vacating W. Nance St. from N.W. 10th St., west to the Cornhusker Hwy./I-80 right-of-way, & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

SENG Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17775, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3289 - APP. OF RIDGE DEVELOPMENT, SOUTHVIEW, INC., & NORTH HILLS LIMITED PARTNERSHIP FOR A CHANGE FROM R-2 TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT FOLKWAYS DR. & 21ST ST. - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17776, is recorded in Ordinance Book 24, Page

AMENDING SEC. 10.22.080(E) OF THE LMC TO INCLUDE LANGUAGE WHICH REQUIRES THAT VEHICLES OPERATED UPON THE STREETS OF THE CITY NOT BE OBSCURED TO THE EXTENT THAT THE ABILITY TO SEE INSIDE THE VEHICLE IS SUBSTANTIALLY IMPAIRED - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 10.22.080 of the LMC relating to the requirements for vehicles operated upon streets to make that section consistent with state statute; & repealing Sec. 10.22.080 of the LMC as hitherto existing, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17777, is recorded in Ordinance Book 24, Page

USE PERMITS

USE PERMIT 99B - APP. OF UNION BANK & TRUST TO ENLARGE A GROUND SIGN FROM 32 SQ. FT. TO 70 SQ. FT., ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF S. 27TH ST. & PINE LAKE RD. -CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80595 WHEREAS, Union Bank & Trust has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit 99B for authority to enlarge a ground sign from 32 sq. ft. to 70 sq. ft. on property generally located at the northwest corner of S. 27th St. and Pine Lake Road, and legally described to wit:

Lots 1, 7, and 8, Ridge Place Original Addition and Lots 1 and 2, Ridge Place 2nd Addition, located in the Southeast Quarter of Section 13, Township 9 North, Range 6 East, and the Northeast Quarter of Section 24, Township 9 North, Range 6 East, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this ground sign will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Union Bank & Trust, hereinafter referred to as "Permittee", to enlarge a ground sign from 32 sq. ft. to 70 sq. ft., on the property legally described above, be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said ground sign be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a 70 square foot ground sign in lieu of a wall sign on the north side of the Union Bank Building.
2. Before receiving building/sign permits:
 - a. The Permittee must submit a revised and reproducible final plan and five copies to the Planning Department.
 - b. The construction plans must conform to the approved plans.
3. Before sign operation, all development and construction must conform to the approved plans.
4. All privately-owned improvements, including landscaping must be permanently maintained by the Permittee or an appropriately established property owners association approved by the City.
5. The site plan, approved by this permit, shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the CLERK within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The CLERK shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Jonathan Cook

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON NOV. 27, 2000 - CLERK presented said report which was placed on file in the Office of the CLERK.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Jeff

Fortenberry who moved its adoption:

A-80593 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 12/01/00)

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR NOVEMBER, 2000 - CLERK presented said report which was placed on file in the Office of the CLERK.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE FOR THE MONTH OF OCTOBER, 2000: Broadwing, Ibm Global, Global Crossing, Mcleod Usa, Usa Paging, Assn. Adm., Globalcom, Affinity Network, Network Int'l, Single Billing Service, Intellicall. (Nettel Corp. Bankruptcy Notice) - CLERK presented said report which was placed on file in the Office of the CLERK. (20)

OTHER RESOLUTIONS

APP. OF J.J. KAT, INC. DBA BREWSKY'S FOOD & SPIRITS FOR AN ADDITION TO THEIR LICENSED PREMISES OF AN AREA MEASURING APPROX. 20' BY 30' TO THE NORTHWEST ON PROPERTY LOCATED AT 2840 S. 70TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80577 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of J.J. Kat, Inc. dba "Brewsky's Food & Spirits" to expand its licensed premises by the addition of an area measuring 20 feet by 30 feet to the northwest of the presently licensed premises located at 2840 South 70th St., Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the CLERK is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF NEDRA J. LUCAS FOR NEBRASKA RETAIL VENTURES L.L.C. DBA AMPRIDE #105 AT 3291 HOLDREGE ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80578 WHEREAS, Nebraska Retail Ventures L.L.C. dba Ampride #105 located at 3291 Holdrege St., Lincoln, Nebraska has been approved for a Retail Class "B/K" liquor license, and now requests that Nedra J. Lucas be named manager;

WHEREAS, Nedra J. Lucas appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Nedra J. Lucas be approved as manager of this business for said licensee. The CLERK is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF NEBRASKA RETAIL VENTURES L.L.C. DBA AMPRIDE #107 FOR A RETAIL CLASS B LIQUOR LICENSE AT 5501 SUPERIOR ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80579 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the

application of Nebraska Retail Ventures L.L.C. dba Ampride #107 for a Class B liquor license at 5501 Superior St., Lincoln, Nebraska, for the license period ending April 30, 2001, be approved with the condition that the premise complies in every respect with all city and state regulations. The CLERK is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF NEDRA J. LUCAS FOR NEBRASKA RETAIL VENTURES L.L.C. DBA AMPRIDE #107 AT 5501 SUPERIOR ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80580 WHEREAS, Nebraska Retail Ventures L.L.C. dba Ampride #107 located at 5501 Superior St., Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Nedra J. Lucas be named manager; WHEREAS, Nedra J. Lucas appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Nedra J. Lucas be approved as manager of this business for said licensee. The CLERK is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF NEIL G. STUTHMANN FOR ELKS BPO LINCOLN LODGE #80 AT 5910 S. 58TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80581 WHEREAS, Elks BPO Lincoln Lodge #80 located at 5910 S. 58th St., Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Neil G. Stuthmann be named manager;

WHEREAS, Neil G. Stuthmann appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Neil G. Stuthmann be approved as manager of this business for said licensee. The CLERK is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF LIGHTHOUSE PROPERTIES L.L.C. DBA BEACON HILLS FOR A CLASS I LIQUOR LICENSE AT 5353 N. 27TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80582 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lighthouse Properties, L.L.C. dba Beacon Hills for a Class I liquor license at 5353 N. 27th St., Lincoln, Nebraska, for the license period ending April 30, 2001, be approved with the condition that the premise complies in every respect with all city and state regulations. The CLERK is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF CAROLE L. REGAN FOR LIGHTHOUSE PROPERTIES, L.L.C. DBA BEACON HILLS AT 5353 N. 27TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80583 WHEREAS, Lighthouse Properties, L.L.C. dba Beacon Hills located at 5353 N. 27th St., Lincoln, Nebraska has been approved for a Retail Class

"I" liquor license, and now requests that Carole L. Regan be named manager;

WHEREAS, Carole L. Regan appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Carole L. Regan be approved as manager of this business for said licensee. The CLERK is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING HOLLY LE TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 18, 2003 - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80584 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Holly Le to the Multicultural Advisory Committee for a three-year term expiring September 18, 2003 is hereby approved.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING A CONSERVATION EASEMENT AGRMT. BETWEEN THE CITY & TMCO INVESTMENTS TO PRESERVE THE FLOOD STORAGE CAPACITY IN AN AREA GENERALLY LOCATED AT 6TH & H STS. - PRIOR to reading:

SENG Moved to place Bill 00R-328 on Pending.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING A RESOLUTION OF INTENTION TO DISESTABLISH THE DOWNTOWN CORE MANAGEMENT AND ENHANCEMENT DISTRICT GENERALLY WITHIN AN AREA IN DOWNTOWN LINCOLN BETWEEN 10TH ST. AND CENTENNIAL MALL, AND BETWEEN Q AND M STS. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80585 A Resolution of Intention to Disestablish the Downtown Core Management and Enhancement District under the authority of the Business Improvement District Act (Neb. Rev. Stat. § 19-4015 et seq. Reissue 1997) previously established as the Downtown Core Management and Enhancement District generally within an area in downtown Lincoln between 10th St. and Centennial Mall, and between Q and M Sts..

WHEREAS, the City Council of the City of Lincoln previously, by Ordinance No. 15291 on September 8, 1989, approved the Downtown Core Management and Enhancement District; and

WHEREAS, the Business Improvement District Act provides a procedure to disestablish business improvement districts; and

WHEREAS, the City Council of the City of Lincoln, Nebraska on April 26, 1999 created two succeeding business improvement districts by Ordinance No. 17496 establishing the Downtown Business Improvement District and No. 17495 establishing the Core Business Improvement District Overlay; and

WHEREAS, the program of work and budget last approved for the Downtown Core Management and Enhancement District for the provision of services in such district has been completed and the assessment cycle related to such district is now complete.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. The City Council of the City of Lincoln hereby states its intention to disestablish the Downtown Core Management and Enhancement District established under Ordinance No. 15291 on September 8, 1989.

2. The City Council of the City of Lincoln will consider an ordinance to disestablish such business improvement district at a public hearing on January 8, 2001 at the hour of 1:30 p.m. or as soon thereafter as the same may be called in the City Council Chambers, First Floor County City Building, 555 South 10th St., Lincoln, Nebraska.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING A RESOLUTION OF INTENTION TO DISESTABLISH THE DOWNTOWN PERIMETER MANAGEMENT AND ENHANCEMENT DISTRICT GENERALLY WITHIN AN AREA IN DOWNTOWN LINCOLN BETWEEN LINCOLN BETWEEN 7TH AND 17TH STS., AND BETWEEN R AND H STS. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80586 A Resolution of Intention to Disestablish the Downtown Perimeter Management and Enhancement District under the authority of the Business Improvement District Act (Neb. Rev. Stat. § 19-4015 et seq. Reissue 1997) previously established as the Downtown Perimeter Management and Enhancement District generally within an area in the downtown between 7th St. and 17th St., and between R and H Sts..

WHEREAS, the City Council of the City of Lincoln previously, by Ordinance No. 15292 on September 8, 1989, approved the Downtown Perimeter Management and Enhancement District; and

WHEREAS, the Business Improvement District Act provides a procedure to disestablish business improvement districts; and

WHEREAS, the City Council of the City of Lincoln, Nebraska on April 26, 1999 created two succeeding business improvement districts by Ordinance No. 17496 establishing the Downtown Business Improvement District and No. 17495 establishing the Core Business Improvement District Overlay; and

WHEREAS, the program of work and budget last approved for the Downtown Perimeter Management and Enhancement District for the provision of services in such district has been completed and the assessment cycle related to such district is now complete.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. The City Council of the City of Lincoln hereby states its intention to disestablish the Downtown Perimeter Management and Enhancement District established under Ordinance No. 15292 on September 8, 1989.

2. The City Council of the City of Lincoln will consider an ordinance to disestablish such business improvement district at a public hearing on January 8, 2001 at the hour of 1:30 p.m. or as soon thereafter as the same may be called in the City Council Chambers, First Floor County City Building, 555 South 10th St., Lincoln, Nebraska.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AMENDING THE LINCOLN CENTER REDEVELOPMENT PLAN TO ESTABLISH A NEW PROJECT AREA FOR THE ENTERTAINMENT CENTER/OLD FEDERAL BUILDING PROJECT IN A 6 ½ BLOCK AREA ROUGHLY BOUNDED BY 9TH, 11TH, O, AND Q STS. TO PROVIDE FOR THE DEVELOPMENT OF AN ENTERTAINMENT CENTER ON BLOCK 41 AND THE REDEVELOPMENT AND REHABILITATION OF THE OLD FEDERAL BUILDING ON BLOCK 43, INCLUDING PUBLIC STREETSCAPE, UTILITY, AND OTHER IMPROVEMENTS - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80587 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69719 finding an area generally bounded by "R" St., 17th St., "S" St., and 7th St. to be blighted, and on October 19, 1987, adopted Resolution No. A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to establish a new Project Area for the Entertainment Center/Old Federal Building Project in a 6 ½ block area roughly bounded by 9th, 11th, O, and Q Sts. to provide for the development of an Entertainment Center on Block 41 and the redevelopment and rehabilitation of the Old Federal Building on Block 43, including public streetscape, utility, and other improvements throughout the project area, and to provide details on how said development will be implemented; and

WHEREAS, the Director of the Urban Development Department has filed with the CLERK the Amendments to the Plan to provide for the Entertainment Center/Old Federal Building Project within said blighted and substandard area, which amendments are attached hereto, marked as Exhibit "A", and made a part hereof by reference, and has reviewed said Amendments and has found that they meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on November 3, 2000 notice of public hearing was mailed,

postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on November 15, 2000 before the Lincoln City - Lancaster County Planning Commission regarding the Amendments, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Exhibit "B" and "C" respectively; and

WHEREAS, said proposed Amendments to the Plan have been submitted to the Lincoln City - Lancaster County Planning Commission for review and recommendation, and said Planning Commission on November 15, 2000 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on December 1, 2000 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on December 11, 2000 regarding the proposed Amendments, a copy of said notice having been attached hereto as Exhibit "D"; and

WHEREAS, on November 24, 2000 and December 1, 2000, a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on December 11, 2000 regarding the proposed Amendments for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Exhibit "E"; and

WHEREAS, on December 11, 2000 in the City Council Chambers of the County City Building, 555 South 10th St., Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Amendments and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendments; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed plans.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Amendments to provide for the Entertainment Center/Old Federal Building Project are described in sufficient detail and are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the Project is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That the Director of the Urban Development Department has submitted with said Redevelopment Plan a statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the Project areas and the estimated proceeds or revenue from the partial disposal thereof to redevelopers; a statement of the proposed method of financing the Redevelopment Projects; and a statement of the method proposed for the relocation of families and businesses to be displaced from the Redevelopment Project areas, attached hereto as Exhibit "F".

4. That the acquisitions by the City of real property as set forth in the Amendments are necessary for implementation of said Projects and their purposes under the provisions of the Community Development Law.

5. That the Redevelopment Projects in the Amendments would not be economically feasible without the use of tax-increment financing.

6. That said Redevelopment Projects would not occur in the Lincoln Center Plan Redevelopment Area without the use of tax-increment financing.

7. That the costs and benefits of the Redevelopment Projects, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council and have been found to be in the long-term best interest of the community impacted by the redevelopment projects according to the cost benefit model (a) summarized in Exhibit "G" hereto, which model analyzes the tax shifts from the use of Community

Improvement Financing as authorized in § 18-2147; (b) the community's public service needs impacts and local tax impacts arising from the approval of the project; (c) impacts on employers and employees of firms locating or expanding within the boundaries of the project area; (d) impacts on other employers and employees in the City and immediate area outside the project area; and (e) other impacts the City Council hereby determines to be relevant to the consideration of costs and benefits arising from the redevelopment project.

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Amendments attached hereto as Exhibit "A" are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said Amendments.

BE IT STILL FURTHER RESOLVED that the Urban Development Director, or her authorized representative, is hereby authorized and directed to contact the owners and tenants of those properties listed in said Amendments for the purpose of negotiation of contracts or options for the acquisition of all interests in said real estate in accordance with the land acquisition procedures of the City of Lincoln; and to take all steps necessary for the acquisition of said property by purchase, if possible, or by condemnation if necessary.

BE IT STILL FURTHER RESOLVED that the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds, including Community Improvement Financing in accordance with the provisions of the Community Development Law, to finance necessary and appropriate public acquisitions, improvements, and activities set forth in said Amendments to the Lincoln Center Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental hereto the findings, approvals, and authorizations set forth in Resolution A-78688, Resolution A-70273, Resolution A-71073, Resolution A-71490, Resolution A-72046, Resolution A-72329, Resolution A-72774, Resolution A-73698, Resolution A-74186, Resolution A-74291, Resolution A-74583, Resolution A-74603, Resolution A-75257, Resolution A-75784, Resolution A-75974, Resolution A-76438, Resolution A-77828, and Resolution A-78138.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

INTERLOCAL AGREEMENTS WITH RURAL FIRE DISTRICTS - PRIOR to reading:

JOHNSON Moved to waive the rules to have Public Hearing and Action on 12/18/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF JAN. 8, 2001 AT 1:30 P.M. FOR DHABS, LLC DBA BARRYMORE'S FOR A RETAIL CLASS C LIQUOR LICENSE WITH CATERING AT 124 N 13TH ST. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80588 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Jan. 8, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of DHABS, LLC dba Barrymore's for a Retail Class C Liquor License with Catering at 124 N. 13th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF JAN. 8, 2001 AT 1:30 P.M. FOR DHABS, INC DBA DHAB FOR A RETAIL CLASS C LIQUOR LICENSE AT 13TH & P STS. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80589 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Jan. 8, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the

following App. of DHABS, LLC dba DHAB for a Retail Class C Liquor License with Catering at 13th & P Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF JAN. 8, 2001 AT 1:30 P.M. FOR THE EATING ESTABLISHMENTS HOLDING CO., INC. DBA FLATWATER GRILL/LINCOLN STATION FOR A RETAIL CLASS I LIQUOR LICENSE AT 7TH & P ST. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80590 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Jan. 8, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of The Eating Establishments Holding Co., Inc. dba Flatwater Grill/Lincoln Station for a Retail Class I Liquor License at 7th & P Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF JAN. 8, 2001 AT 1:30 P.M. FOR BOSNIAN KITCHEN, INC. DBA "BOSNIAN KITCHEN" FOR A CLASS "I" LIQUOR LICENSE AT 1819 "O" ST. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80591 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Jan. 8, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Bosnian Kitchen, Inc. dba Bosnian Kitchen for a Class "I" Liquor License at 1819 "O" Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF JAN. 8, 2001 AT 1:30 P.M. FOR THE MAN. APP. OF CHARLES E. LECORNE FOR FAMOUS DAVE'S RIBS-U, INC. DBA FAMOUS DAVE'S AT 2750 PINE LAKE RD. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80592 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Jan. 8, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of Charles E. LeCorgne for Famous Dave's Ribs-U, Inc. dba Famous Dave's at 2750 Pine Lake Road.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDERING CONSTRUCTION OF SIDEWALKS AT VARIOUS LOCATIONS THROUGHOUT THE CITY GENERALLY BOUNDED BY SW 27TH & W. "O" ST. ON THE WEST, 27TH & WHITEHEAD DR. ON THE NORTH, 80TH & LEIGHTON ON THE EAST, & 490TH & EAGLE RIDGE RD. ON THE SOUTH - PRIOR to reading:

JOHNSON Moved to delay action on Bill 00R-296 for 1 week to 12/18/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY MEADOW GOLD DAIRIES FOR THE CONSTRUCTION OF A BLOCK STRUCTURE WITH ROOF FOR AN EXISTING COMPACTOR AT THE NORTHEAST CORNER OF 7TH AND L STS. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80594 WHEREAS, Meadow Gold Dairies has submitted an application for a permit to use the public right-of-way at the northeast corner of 7th and L Sts.; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B"

respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application aforesaid of Meadow Gold Dairies, hereinafter referred to as "Permittees" to use the public right-of-way at the northeast corner of 7th and L Sts. is granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, and the filing of a certificate of insurance with a minimum combined single limit of \$500,000 aggregate for any one occurrence.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The Permittees, their heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

5. This permit may be revoked by resolution of the City Council and after giving of five days written notice to the Permittees by the CLERK, for the following reasons: (a) failure of the Permittee to pay the compensation required within ten days after the date payment is due; (b) failure or neglect of the Permittees to comply with the provisions of Chapter 14.54 of the Lincoln Municipal Code, or any other provisions of the Lincoln Municipal Code or the provisions of the permit; (c) failure to use the space for which the permit was granted for a continuous period of at least six months or (d) upon a determination by the City that the space for which the permit was granted is needed for public use.

Upon revocation of a permit, the Permittees shall forthwith remove or abandon the space for which the permit was granted, together with the removal of any structure at their own cost and expense and return that space to the City of Lincoln, free and clear of all structures or encroachments of any type, at no expense to the City. If the requested removal or abandonment has not been completed within six months after revocation of the permit, the City Council may cause such removal or abandonment to be so done and the cost of such work shall become a lien against the property of the Permittees.

6. Permittees shall pay, as rental fee for the space occupied, an amount equal to ten percent of the square foot value, as last fixed by the Board of Equalization, of the lot directly abutting on the use, multiplied by the square footage of the use of space.

Said rental payments shall be made to the City Treasurer and shall be due and payable on the 1st day of October of each year; provided however, the amount of the initial payment required hereunder shall be pro-rated from the date when the permit is issued to the 1st day of October of the next year and payments shall be due and payable on October 1st thereafter. Rent shall become delinquent on the 1st day of December of each year and such delinquent rent shall bear interest at the rate of one percent per month until paid and if such rent is not paid for six months or more after such delinquent date, a penalty of five percent shall be added thereto in addition to said interest.

7. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittees, their successors and assigns.

8. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named Permittees shall file an unqualified written acceptance of all the terms and conditions of this resolution with the CLERK. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST & 2ND READING

APPROVING AN AGRMT. BETWEEN THE CITY & THE STATE OF NEBRASKA (DEPT. OF LABOR) FOR THE LEASE OF SPACE TO PROVIDE CORE SERVICES FOR JOB SEEKERS & EMPLOYERS AT THE ONE STOP CENTER AT 1010 N ST. - PRIOR to reading:

SENG Moved for Bill 00-218 to have 2nd & 3rd Reading on 12/18/00.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jeff Fortenberry, accepting and approving a Sub Lease Agreement between the State of Nebraska and the City of Lincoln for a lease of space at 1010 N St., Lincoln, Lancaster County, Nebraska for a term of August 1, 2000 through July 31, 2001 for use by the Urban Development Department at the One Stop Center for job seekers and employers, the first time.

VACATING A PORTION OF DAIRY DR. FROM THE WEST LINE OF S. 14TH ST. TO A POINT APPROX. 1,328' WEST, GENERALLY LOCATED OFF S. 14TH ST. SOUTH OF CENTERPARK RD. - PRIOR to reading:

SENG Moved for Bill 00-219 to have 2nd & 3rd Reading on 12/18/00.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jeff Fortenberry, vacating a portion of Dairy Drive from the west line of S. 14th St. to a point approximately 1,328 feet west, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 3291 - APP. OF ST. ELIZABETH REGIONAL MEDICAL CENTER FOR A CHANGE FROM B-2 PLANNED NEIGHBORHOOD DIST. TO O-3 OFFICE PARK DIST. ON PROPERTY GENERALLY LOCATED AT S. 27TH ST. & SOUTH RIDGE RD. - PRIOR to reading:

SENG Moved for Bill 00-220 to have 2nd & 3rd Reading on 12/18/00.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jeff Fortenberry, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

MISCELLANEOUS BUSINESS

PENDING LIST -

CHANGE OF ZONE 3283 - AMENDING TITLE 27 OF THE LMC TO PERMIT ADULT CARE CENTERS BY SPECIAL PERMIT IN THE R-1, R-2, R-3, R-4, & R-5 DIST. (IN CONNECTION W/00R-279) - CLERK requested to remove Bill 00-181 from Pending for Public Hearing on 12/18/00.

COOK So moved.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1851A - APP. OF TABITHA, INC. & TABITHA HOUSING CORP., TO OPERATE A COMBINED EARLY CHILDHOOD CARE FACILITY & ADULT CARE CENTER FOR MAXIMUM OF 42 CHILDREN & 20 ADULTS, WITH A MAXIMUM OF 9 EMPLOYEES, & WAIVING THE REQUIRED ACCESS TO AN ARTERIAL STREET ON PROPERTY GENERALLY LOCATED AT 48TH & J STS. - CLERK requested to remove Bill 00R-279 from Pending for Public Hearing on 12/18/00.

COOK So moved.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

JOHNSON Moved to extend the Pending List for 1 week.
Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS -

JOHNSON Moved to approve the resolutions to have Public Hearing on Dec. 18, 2000.

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

3:04 P.M.

JOHNSON Moved to adjourn the City Council Meeting of Dec. 11, 2000.
 Seconded by Fortenberry & carried by the following vote: AYES:
 Camp, Cook Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS.

 So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Office Assistant III

